THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

WRIT PETITION NO.3083 OF 2007

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Date: 6.3.2007

Between:

Smt,. Makdhu Awasthi
W/o A. Narasingh Prasad. … Petitioner

And

The Station House Officer,
Humayun Nagar Police Station,
Hyderabad & another. …. Respondents.

ORAL ORDER: **(per D. Appa Rao, J)**

This matter has been taken on file as a Taken up Writ Petition on the basis of a fax message dated 7.2.2007 sent by one Smt. Madhu Awasthi W/o Narsingh Prasad, resident of Jeevan Kalyan Colony, Mehdipatnam, Hyderabad alleging that her husband was illegally taken away by the Sub-Inspector of Police, Humayunnagar Police Station on 7.2.2007 and detained him in illegal custody.

The Station House Officer, Humayunagar P.S. filed a counter alleging that the alleged detenu was not required in any case and he was moving freely by attending to his day-to-day work. It is stated that he was produced along with his wife and their neighbour Sri Anand Shenoy before the Mandal Revenue Executive Magistrate, Asifnagar, Mandal, Hyderabad. The Mandal Executive Magistrate, Asifnagar, recorded their statements. In his statement, the alleged detenu categorically stated that he was never arrested nor he was detained by the Police, but he was only called by the police for enquiry in connection with Cr.No.37/07 and later he was sent away.

In the light of the categorical averment made in the statement of the alleged detenu recorded by the Mandal Executive Magistrate that the police never took him into custody and he was moving freely, we see no justification to keep the matter pending any longer. The Writ petition is, therefore, dismissed.

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D.S.R. VARMA, J

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6th March, 2007 **D. APPA RAO, J**

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